

Town of Harpswell Ordinance Restricting Vehicle Weight on Posted Ways
Adopted February 2, 2006
PROPOSED AMENDMENTS FEBRUARY 2010

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Harpswell which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply. Prior to imposing such restrictions, the municipal officers will hold a public hearing.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the ~~restriction~~ weight limit during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of a majority of the municipal officers (or facsimile thereof). The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

~~Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, and as may be amended from time to time, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property~~

~~where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29 A.M.R.S.A. § 2395 (4 A).~~

A. The following vehicles are exempt from this Ordinance:

1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less;
2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment;
3. Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
4. Any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
5. Any school transportation vehicle while transporting students;
6. Any public utility vehicle while providing emergency service or repairs;
7. Any wrecker towing a disabled vehicle;
8. Any septic tank truck on an emergency pump, not to exceed 13, 275 pounds maximum payload or 40, 275 pounds maximum permitted gross weight;
9. Any vehicle whose owner or operator holds a valid permit issued by the municipal officers as provided herein; and
10. Any vehicle, including a vehicle transporting home heating fuel, whose gross vehicle weight does not exceed the listed gross vehicle weights for the truck type and tire widths as outlined on Attachment A.

B. The weight limitation as indicated on a posted notice does not apply when the closed section of the roadway is solidly frozen, which is defined as (i) an air temperature of 32 degrees or below; and (ii) no water showing in the cracks of the road (if paved) or less than 1/2" of "thaw" on the road (if gravel surface).

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant; and
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;

- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles; and
- (f) such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers and their duly authorized designees ([i.e., Road Commissioner and law enforcement officers](#)).

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

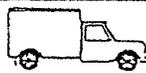
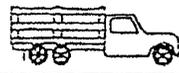
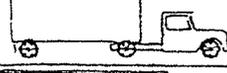
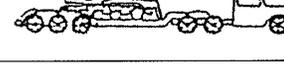
This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

Attachment A

Gross Vehicle Weight Allowances For
Exemption Certificate
(Weights are in Lbs.)

TRUCK TYPE		TIRE WIDTHS			
		9"	10"	11"	12" or more
	S I U N N G I L E C O M B I N A T I O N	24,200	25,200	26,200	27,200
		36,650	38,625	40,575	42,525
		41,325	43,750	46,200	48,625
		37,225	38,900	40,575	42,250
		45,250	48,050	50,850	53,650
		46,875	49,350	51,850	54,325
		58,375	61,350	64,300	67,250
		65,250	69,000	72,775	76,525

GVW from chart

Empty weight

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Payload

Notes: (1) All axles must have four tires except for the steering axle

(2) The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

TOWN OF HARPSWELL
APPLICATION FOR PERMIT TO OPERATE ON A POSTED WAY

An application is hereby made to the Town of Harpswell for permission as provided by the “Ordinance Restricting Vehicle Weight on Posted Ways” to operate on a posted Town Way or Bridge in accordance with the following:

Vehicle Owner: _____

Address: _____

Telephone: _____ Fax No: _____

Type vehicle: _____

GVWR: _____

Destination of Vehicle: _____

Name of Posted Way(s): _____

Or: Entering Harpswell via: _____ Ending Location: _____

Est. total No. of Trips: _____ Max. No. of Trips/Day: _____

Date(s) for Permit: _____

Signature of Authorized Representative: _____

Print Representatives Name: _____

(Below for Office Use Only)

Amount of Financial Security: _____ Date Paid: _____

The above request is hereby approved subject to the following conditions:

The above request is hereby denied for the following reasons:

Date: _____

Chair, Board of Selectmen, duly authorized